



121203

Practitioner's Docket No. 7013-4

PATENT

Preliminary Classification:

Proposed Class:

Subclass:

22154 U.S. PTO  
10/735593

121203

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop Patent Application  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria VA 22313-1450

## NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of

Inventor(s): Kyle R. Allen; Lynn W. Allen

For (title): Rise Assist Apparatus

## 1. Type of Application

This application is for a continuation.

## 2. Benefit of Prior U.S. Applications (35 U.S.C. §§ 119(e), 120, or 121)

The new application being transmitted claims the benefit of prior U.S. applications. Enclosed are ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATIONS CLAIMED.

## EXPRESS MAILING UNDER 37 C.F.R. § 1.10\*

(Express Mail label number is *mandatory*.)

(Express Mail certification is *optional*.)

I hereby certify that this paper, along with any document referred to, is being deposited with the United States Postal Service on this date December 12, 2003 in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 as "Express Mail Post Office to Addressee" Mailing Label No. EV415641871US.

Date: December 12, 2003

Scott M. Oldham

Type or print name of person mailing paper

Signature of person certifying

EV415641871US

**WARNING:** Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

**\*WARNING:** Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. 1.10(b).

"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

**3. Papers Enclosed**

A. Required for filing date under 37 C.F.R. § 1.53(b) (Regular) or 37 C.F.R. § 1.153 (Design) Application

8 Page(s) of Specification  
1 Page(s) of Claims  
7 Sheet(s) of Drawing(s)--Formal

B. Other Papers Enclosed

1 Page(s) of abstract

**4. Declaration or Oath**

Not Enclosed.

Application is made by a person authorized under 37 C.F.R. § 1.41(c) on behalf of all of the above-named inventors.

**5. Inventorship Statement**

The inventorship for all the claims in this application is the same.

**6. Language**

English

**7. Fee Calculation (37 C.F.R. § 1.16)**

Regular Application										
CLAIMS AS FILED										
Basic Fee 37 C.F.R. § 1.16(a) \$770.00										
Number Filed			Number Extra			Rate				
Total Claims (37 C.F.R § 1.16(c))										
1	–	20	=	0	x	\$	18.00	=	\$	0.00
Independent Claims (37 C.F.R § 1.16(b))										
1	–	3	=	0	x	\$	86.00	=	\$	0.00
Multiple Dependent Claim(s), if any (37 C.F.R § 1.16(d))							\$	290.00	\$	0.00
Filing Fee Calculation								\$770.00		

**8. Assertion of Small Entity Status**

Applicant hereby asserts status as a small entity under 37 C.F.R. § 1.27.  
Status as a small entity was asserted in the prior application 10/436,639 filed on May 13, 2003 from which benefit is being claimed for this application under 35 U.S.C. § 119(e) and which status as a small entity is still proper and asserted for this application.

Filing Fee Calculation (50% of above Filing Fee Calculation) \$385.00

**9. Fee Payment Being Made at This Time**

Not Enclosed

No filing fee is to be paid at this time.

**10. Authorization to Charge Additional Fees**

The Office is hereby authorized to charge, in the manner shown above (15-0450), the following additional fees that may be required by this paper and during the entire pendency of this application.

37 C.F.R. § 1.16(a), (f) or (g) (filing fees)

37 C.F.R. § 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)

**11. Instructions as to Overpayment**

Refund.

**ADDED PAGES FOR APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S.  
APPLICATIONS CLAIMED  
(37 C.F.R. § 1.78)**

**12. Relate Back**

Amend the specification by inserting, before the first line following the title, the following sentence:

**A. 35 U.S.C. Sections 120, 121 and 365(c)**

"This application is a continuation of copending application of copending application Application number 10/436,639 filed on May 13, 2003."

**13. Maintenance of Copendency of Prior Application**

**A. Conditional Petition for Extension of Time in Prior Application**

A conditional petition for extension of time is being filed in the pending **prior** application.

**14. Further Inventorship Statement Where Benefit of Prior Application(s) Claimed**

- (a) This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventors in this application are the same.

**15. Abandonment of Prior Application**

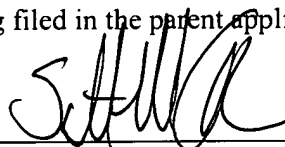
Please abandon the prior application at a time while the prior application is pending, or when the petition for extension of time or to revive in that application is granted, and when this application is granted a filing date, so as to make this application copending with said prior application.

**16. Small Entity (37 C.F.R. § 1.28(a))**

Applicant has established small entity status by the filing of a statement in parent application 10/436,639 on May 13, 2003.

**17. NOTIFICATION IN PARENT APPLICATION OF THIS FILING**

A notification of the filing of this continuation is being filed in the parent application, from which this application claims priority under 35 U.S.C. § 120.



Signature of Practitioner

Reg. No.: 32,712  
Tel. No.: 330-864-5550  
Customer No.: 021324

Scott M. Oldham  
Hahn Loeser + Parks  
Twin Oaks Estate  
1225 W. Market Street  
Akron, OH 44313

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Kyle R. Allen, Lynn W. Allen

Application No.: 10/436,639  
Filed: May 13, 2003  
For: Rise Assist Apparatus

Group No.: 3677  
Examiner: Mitchell, K.

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

CONDITIONAL PETITION AND FEE FOR EXTENSION OF TIME  
IN PARENT CASE THAT IS TO BE ABANDONED  
WHEN FILING NEW APPLICATION CLAIMING ITS BENEFIT

1. This conditional petition is being filed along with the separately filed continuation application and provides for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

A copy of this petition is being filed with the papers constituting the filing of the separately filed application.

If any extension of time for the accompanying response is required, applicant requests that this be considered a petition therefor.

2. Status

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**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\***

*(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

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37 C.F.R. § 1.8(a)  
with sufficient postage as first class mail.

37 C.F.R. § 1.10\*  
X as "Express Mail Post Office to Addressee"  
Mailing Label No. EV415641871 (mandatory)

**TRANSMISSION**

G facsimile transmitted to the Patent and Trademark Office, (703) \_\_\_\_\_ - \_\_\_\_\_.

Signature

Date: December 12, 2003

Scott M. Oldham

*(type or print name of person certifying)*

\* Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(f). Consider "Express Mail Post Office to Addressee" (' 1.10) or facsimile transmission (' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

This application is on behalf of a small entity.

The statement is already filed in parent application. This status is still proper and its benefit under 37 CFR 1.28(a) is hereby claimed.

**3. Authorization for payment of fees**

The Commissioner is authorized to charge any fees under 37 C.F.R. § 1.17 (a) to (d) that may be required by this Conditional Petition to Deposit Account No. 15-0450.

A duplicate of this Conditional Petition is attached.



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Signature of Practitioner

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